

Notice of Allowability

Application No.

10/673,170

Examiner

Jurie Yun

Applicant(s)

SCHUSTER, MANFRED

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 3/31/06.
2. ☒ The allowed claim(s) is/are 1 and 4-20.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. The amendment filed 3/31/06 has been entered.

Response to Arguments

2. Applicant's arguments filed 3/31/06 with respect to claims 1 and 4-20 have been fully considered and are persuasive. The rejections have been withdrawn.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Eric Jensen on 4/25/06.

The application has been amended as follows:

In each of claims 4-11, in line 1, before "x-ray device" insert --Phase contrast--

In claim 7, line 2, delete "1" and replace with --6--

In claim 7, line 3, after "generating the" insert --specific--

In claim 8, line 2, after "in which the" insert --at least one--

In claim 10, line 2, after "which the" insert --at least one--

In claim 11, line 2, after "which the" insert --at least one--

In claim 12, line 22, delete "Arranging" and replace with --arranging--

In claim 12, line 25, delete "Creating" and replace with --creating--

In claim 19, line 2, delete "that, in essence, consists of" and replace with --that consists essentially of--

Allowable Subject Matter

4. Claims 1 and 4-20 are allowed.

5. The following is an examiner's statement of reasons for allowance: Prior art fails to disclose a phase contrast X-ray device for creating a phase contrast image of at least one object, comprising at least one X-ray source for generating X-radiation that has a spatial coherence length within the predetermined distance from the X-ray source in a range from 0.05 μm up to and including 10 μm , has an output within a range of 50 W up to and including 10 kW, and has a line-shaped focus, a longitudinal extension of the line-shaped focus being aligned in a direction towards the object, as claimed in claim 1. Claims 4-11 are allowed due to their dependency on claim 1.

Prior art fails to disclose a method for creating a phase contrast image of an object comprising the steps of generating X-radiation that has a spatial coherence length within the predetermined distance from the X-ray source in a range from 0.05 μm up to and including 10 μm , has an output within a range of 50 W up to and including 10 kW, and has a line-shaped focus, a longitudinal extension of the line-shaped focus being aligned in a direction towards the object, as claimed in claim 12. Claims 13-20 are allowed due to their dependency on claim 12.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jurie Yun whose telephone number is 571 272-2497.

The examiner can normally be reached on Monday-Friday 8:30-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jurie Yun
April 25, 2006



EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER